

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1220 - SB 1107

April 23, 2019

SUMMARY OF ORIGINAL BILL: Defines “electric foot scooter” as a device weighing less than 100 pounds, with two or three wheels, handlebars, and a floorboard that can be stood upon while riding, which is solely powered by an electric motor or human power or both, and whose maximum speed is 20 miles per hour. Establishes the requirements for operation of an electric foot scooter to mirror that of an electric bicycle.

Authorizes electric bicycles and electric foot scooters to be parked on a sidewalk in a manner not impeding the normal or reasonable movement of pedestrian or other traffic.

Prohibits the operation of an electric foot scooter for those under the age permitted to operate a motor vehicle under the Uniform Classified and Commercial Driver License Act. Prohibits any person operating an electric foot scooter at a speed higher than 15 miles per hour.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (008754): Deletes and rewrites all language after the enacting clause such that the substantive changes are as follows:

- (1) Defines “electric scooter” as a device weighing less than 100 pounds, with handlebars and an electric motor, and is solely powered by an electric motor or human power or both, and whose maximum speed is 20 miles per hour;
- (2) Removes the provision of the original bill which authorized electric bicycles and electric foot scooters to be parked on a sidewalk in a manner not impeding the normal or reasonable movement of pedestrian or other traffic;
- (3) Removes the provision of the original bill which prohibited the operation of an electric foot scooter for those under the age permitted to operate a motor vehicle under the Uniform Classified and Commercial Driver License Act;
- (4) Removes the provision of the original bill which prohibited any person operating an electric foot scooter at a speed higher than 15 miles per hour.
- (5) Specifies that that this legislation does not preempt a county, municipality, or metropolitan government, by ordinance of its legislative body, from regulating, controlling, or banning use and operation of electric scooters; and
- (6) Adds language to define electric scooters as motor-driven vehicles for purposes of driving under the influence (DUI) law.

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FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue –

Exceeds \$1,500/Electronic Monitoring Indigency Fund
Exceeds \$300/Impaired Drivers Trust Fund
Exceeds \$12,500/Department of Safety
Exceeds \$100/Finance and Administration
Exceeds \$5,100/Alcohol and Drug Addiction Treatment Fund

Increase State Expenditures –

Exceeds \$1,500/Electronic Monitoring Indigency Fund
Exceeds \$300/Impaired Drivers Trust Fund
Exceeds \$200/Department of Safety
Exceeds \$100/Finance and Administration
Exceeds \$5,100/Alcohol and Drug Addiction Treatment Fund

Increase Local Revenue – Exceeds \$17,500

Increase Local Expenditures – Exceeds \$12,800*

Assumptions for the bill as amended:

- This legislation authorizes a local government, by ordinance of its legislative body, to regulate, control, or ban the use and operation of electric scooters.
- Electric foot scooters are not required to be registered or insured nor are operators required to be licensed; therefore, no significant impact to registration, licensing, or other related fee revenue.
- Based on information provided by the Department of Safety (DOS), there has been an average of 20,229 DUI and implied consent convictions each year over the last three years.
- The proposed legislation broadens the offense of DUI to include an offense while operating an electric scooter.
- The average number of additional DUI violations annually is reasonably estimated to exceed 100 statewide.
- This analysis estimates first-time DUI offenders serve two days in local jail.
- The average cost to local government to house an inmate in a local jail facility is \$64 per day.
- The mandatory recurring local increase in local expenditures associated with the proposed legislation is estimated to exceed \$12,800 (\$64 x 100 x 2).
- This analysis estimates that at least 50 percent of first-time DUI offenders will pay the required fees outlined in Tenn. Code Ann. § 55-10-413 and § 45-10-419.

- The recurring increase in state revenue to the Electronic Monitoring Indigency Fund is estimated to exceed \$1,525 ($\$30.50 \times 100 \times 50\%$).
- The recurring increase in state revenue to the Tennessee Hospital Association (THA) is estimated to exceed \$225 ($\$4.50 \times 100 \times 50\%$). The THA is not considered a state entity; therefore, this impact is not reflected as any impact to state or local government.
- The recurring increase in state revenue to the DOS is estimated to exceed \$125 ($\$2.50 \times 100 \times 50\%$).
- The recurring increase in state revenue to the Department of Finance and Administration is estimated to exceed \$63 ($\$1.25 \times 100 \times 50\%$).
- The recurring increase in state revenue to the Alcohol and Drug Addiction Treatment Fund associated to the payment of such fees is estimated to exceed \$5,063 [$\$100 + \$1.25 \times 100 \times 50\%$].
- The recurring increase in state revenue to The Impaired Drivers Trust Fund is estimated to exceed \$250 ($\$5 \times 100 \times 50\%$).
- It is reasonably assumed that there will be a corresponding recurring increase in state expenditures from the earmarked funds equal to the amount of earmarked revenue due to the increased number of DUI offenders.
- A reinstatement fee for a suspended and revoked license is \$153, the application fee for a restricted license is \$67, and a Class D driver's license is \$28. The total fee related to driver's licenses DUI offenders is \$248 ($\$153 + \$67 + \28) payable to DOS.
- It is reasonably estimated that at least 50 percent of such operators would pay such license fees.
- A recurring increase in state revenue to DOS estimated to exceed \$12,400 ($100 \times \$248 \times 50\%$)
- A total recurring increase in state revenue to DOS \$12,525 ($\$12,400 + \125).
- The current cost to DOS of printing a driver license is \$1.99.
- A recurring increase in state expenditures to DOS estimated to exceed \$100 ($\$100 \times \$1.99 \times 50\%$).
- A total recurring increase in state expenditures to DOS estimated to exceed \$225 ($\$125 + \100).
- Tennessee Code Annotated § 55-10-403 requires a fine of at least \$350, but not more than \$1,500 payable to local governments.
- A collection rate of at least 50 percent.
- There will be a recurring increase in local fine revenue estimated to exceed \$17,500 ($\$350 \times 100 \text{ offenders} \times 50\%$).
- Any impact on state or local law enforcement related to enforcement is estimated to be not significant.
- Any impact on second or subsequent DUI offenses is estimated to be not significant.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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